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**KOSOVO: A CRITICAL ANALYSIS OF SOVEREIGNTY
AND INTERNATIONAL RELATIONS**

BY

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Kosovo: A Critical Analysis of Sovereignty and International Relations

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ABSTRACT

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In the summer and fall of 1998, Serbian President Milosevic pursued a brutal plan of oppression in Kosovo, a southern province of the Federal Republic of Yugoslavia (FRY). While his avowed plan was to quash a secessionist movement by the small Kosovo Liberation Army, in October 1998 his military launched attacks directly against the civilian population of Kosovo, an ethnic minority composed of Albanians that have battled the Serbs for generations. The result of the FRY military action against the Kosovar civilians was the displacement of hundreds of thousands, threatening to destabilize the entire region.

Widespread public outrage arose as pictures of Serbian humanitarian abuses against the ethnic Albanians were shown on televisions and in newspapers around the world. This pushed the United States and its NATO allies to respond, culminating in March 1999 in a 79 day NATO bombing campaign. In the aftermath of the bombing campaign, NATO was hard pressed to claim victory. While one could point out that Milosevic had finally been forced to withdraw his troops from Kosovo, many questions remained. What were the legal ramifications of the NATO bombing campaign? How had we misjudged so badly Serbian resolve in the face of the bombing campaign? What collateral damage to international relations might this action have inflicted? In the final analysis, was this mission really a success? It is the thesis of this paper that this was at best a limited victory for the United States led NATO coalition. We will look at a number of issues including the historical backdrop for the dispute. Sovereignty as a legal constraint to intervention will be examined. The effects this military action had on the United Nations and overall international relations will be discussed. Most importantly, we will look at the Clausewitzian test of 'the ultimate success of the whole,' that is, whether this action accomplished its ultimate goals, to stabilize the Balkans and provide humanitarian relief to the Kosovar Albanians.

TABLE OF CONTENTS

ABSTRACT	III
KOSOVO: A CRITICAL ANALYSIS OF SOVEREIGNTY AND INTERNATIONAL RELATIONS.....	1
HISTORICAL BACKDROP	1
SOVEREIGNTY.....	3
KOSOVAR AUTONOMY	4
SOME SEMBLANCE OF LEGALITY	5
UNITED NATIONS AND INTERNATIONAL RELATIONS.....	6
LOSING THE MORAL HIGH GROUND	6
MUTED VICTORY	7
DISCUSSION	7
ENDNOTES.....	13
BIBLIOGRAPHY	15

KOSOVO: A CRITICAL ANALYSIS OF SOVEREIGNTY AND INTERNATIONAL RELATIONS

A prince or a general can best demonstrate his genius by managing a campaign exactly to suit his objectives and his resources, doing neither too much nor too little. But the effects of genius show not so much in novel forms of action as in the ultimate success of the whole.

Carl von Clausewitz

It was all supposed to be so simple. With the fall of the Berlin Wall and the ascendancy of the United States to true military primacy, dealing with problems in a small country in the Balkans should not have been all that difficult. In the summer and fall of 1998, Serbian President Milosevic pursued a brutal plan of oppression in Kosovo, a southern province of the Federal Republic of Yugoslavia (FRY). While his avowed plan was to quash a secessionist movement by the small Kosovo Liberation Army, in October 1998 his military launched attacks directly against the civilian population of Kosovo, an ethnic minority composed of Albanians that have battled the Serbs for generations. The result of the FRY military action against the Kosovar civilians was the displacement of hundreds of thousands, threatening to destabilize the entire region.

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It is the thesis of this paper that this was at best a limited victory for the United States led NATO coalition. We will look at a number of issues including the historical backdrop for the dispute. Sovereignty as a legal constraint to intervention will be examined for relevancy in the 21st century. The effects this military action had on the United Nations and overall international relations will be discussed. Most importantly, we will look at the Clausewitzian test of 'the ultimate success of the whole,' that is, whether this action accomplished its ultimate goals, to stabilize the Balkans and provide humanitarian relief to the Kosovar Albanians.

HISTORICAL BACKDROP

It was difficult to argue with the pictures being shown on the evening news, of 'ethnic cleansing' being perpetrated by Serbian authorities. The largely defenseless ethnic Albanians were being senselessly assaulted. Good and evil could not be more clearly defined. The solution presented was equally clear – evil must be stopped. But behind the immediacy of the news stories was a conflict that has been centuries in the making. By digging into the history behind the conflict, one can begin to appreciate the complexities of the problem and the difficulties that will challenge any proposed solutions.

Kosovo has historical and geographical importance to both the Serbs and the Kosovar Albanians. To the Serbs, Kosovo is regarded as the birthplace of their nation. They trace much of their national character back 600 years to Kosovo. It was during the year 1389 on the plains of Kosovo that Lazar Hrebeljanovic led a group of Serbian barons and their forces against the invading Ottoman Turks. Even though he reportedly lost the battle, forever after he has been held up as a folk hero, someone who "would rather die than become a vassal."² Over 500 years of Ottoman domination, this legend was passed down from generation to generation, elevating the principle of fighting the impossible fight almost to the level of a Serbian moral imperative. NATO or American planners who thought that Serbians would quit the field of conflict quickly with the first bombs falling did not understand the Serbian mindset.

Much as Christians look to Jerusalem as a geographical lodestone of their religion, Kosovo holds similar importance to Serbians. Scattered throughout Kosovo are many Serbian Orthodox Churches built during the Middle Ages.³ To Serbians, any proposal that included Kosovar independence was absolutely unacceptable. Giving up Kosovo would be tantamount to giving up much of their religious heritage.

While the Serbian Orthodox churches in Kosovo silently stand testament to when Serbs were the majority, over the centuries of Ottoman domination, many Serbs felt compelled to migrate northward. As they departed, ethnic Albanians slowly but surely took their place in Kosovo. Serbia was finally able to shed the yoke of Ottoman rule in 1804, but it was not until 1913 in conjunction with the Balkan Wars that Serbia was able to fulfill the dream of reuniting Kosovo into an independent Serbia. Unfortunately, by this time the Albanians were the largest ethnic group in Kosovo. Albanians did not view the incorporation of Kosovo into Serbia as liberation; rather they viewed this as nothing less than "a conquest by a foreign power."⁴

As important as Serbian history is to understanding present Balkan difficulties, Albanian history also is important. Like the Serbs, the Ottoman Empire also ruled Albanians for hundreds of years. During the period of Ottoman rule, large numbers of Albanians converted to Islam, assisted in some fashion by taxes that were levied upon Christians. By the 17th century, approximately two thirds of the Albanian population had converted.⁵

While the Ottomans were never able to control all of Albania, neither were the Albanians able to fully rid themselves of Ottoman domination - not until the 20th century. It was in the town of Prizren, Kosovo in 1878 that Albanian leaders met to form an alliance, the League of Prizren. Their goal was to establish a free Albania that encompassed all Albanian-populated areas. While Albanian nationalists waged armed conflict against Ottoman forces for several years, it was Serbian, Greek and Bulgarian armies in what was called the Balkan Wars that defeated Ottoman forces and finally allowed Albania to formally proclaim its independence in 1912. The newly formed country of Albania initially included Kosovo. Unfortunately, at a conference immediately after the war, Britain, Germany, Russia, Austria, France and Italy, collectively known as the Great Powers, bowing to pressures from Albanian neighbors, ceded portions of Albania to Greece and Serbia. This left almost half of the Albanian population outside the borders of the newly independent country and transferred Kosovo over to be a province of Serbia.

This sowed the seeds of Kosovar ethnic-Albanian nationalistic aspirations, yearning for independence from Serbia and for possible reunification with Albania.

These ethnic, religious, and nationalist tensions have led in the twentieth century to repeated cycles of killing and revenge in Kosovo. To highlight but a few such instances: one report from 1913 stated that “Houses and whole villages are being reduced to ashes,” and that “unarmed and innocent populations” were being “massacred en masse.” From another report from World War II, investigators of atrocities found villages where “not a single house has a roof; everything has been burned down... There are headless bodies of men and women strewn on the ground.”⁶ These reports might have been describing atrocities ongoing in Kosovo in 1998 that promoted the NATO led humanitarian intervention. But instead, these historical reports starkly paint the two faces of the ongoing conflict in Kosovo, with Serbians forces responsible for the violence in the first report and Albanian perpetrators responsible in the second. In the present conflict in Kosovo, no one has clean hands - all are deeply enmeshed in the cycles of violence.

SOVEREIGNTY

From the very beginning, difficult questions were raised regarding the legality of NATO involving itself in the internal affairs of a sovereign nation. Upon what legal basis was intervention being justified? Sovereignty is a bedrock of international law, dating back to the Peace of Westphalia, a series of agreements. Arising in 1648 from the ashes of Europe's bloody Thirty Years' War, these agreements were a compromise between what warring factions desired, what each visualized as ‘the ideal,’ and what was politically possible. All sides felt that they were fighting for ‘universal truths,’ but the reality was that the fighting was tremendously destructive. After many years of fighting, they finally realized that long-term success was not achievable. However unpalatable, non-interference was important for international order. From these seminal accords evolved the concepts of sovereignty that have stood the test of time. To preserve the peace, no side should attempt to impose its own supposedly universal values on others. Every nation has a right to exercise control over its own population without interference from outside sources. The use of force against another nation-state is forbidden except in response to outside aggression.

The concepts that grew out of the Peace of Westphalia in large part laid the groundwork for the European state system. Even in the twentieth century, the concept of sovereignty has remained central to international relations. As a recent notable reaffirmation of the centrality of sovereignty in international relations, the founding of the United Nations in 1945 was based upon “the principle of the sovereign equality of all its members.” The UN Charter is very explicit in respecting the sovereignty of member nations, prohibiting its members from using military force except for self-defense.⁷ The United States in its “National Security Strategy for a New Century” acknowledges the importance of sovereignty stating that its goal is to “...maintain the sovereignty of the United States with its values, institutions, and territory intact.”⁸ Even NATO, as a coalition of sovereign nations created for the purpose of self-defense,

acknowledges that it should refrain "...from the threat or use of force in any manner inconsistent with the purposes of the United Nations."⁹

By any definition, Kosovo was legitimately a province of the Federal Republic of Yugoslavia (FRY). However repugnant their actions might have been, Serbian military forces confined their activities to within FRY borders. Milosevic justified the action of FRY forces as simply an effort to quell civil unrest within Kosovo. Given the firm sanctions against intervening in the internal affairs of a sovereign state, taking military action to force compliance with NATO demands would necessarily involve violating Serbian sovereignty.

KOSOVAR AUTONOMY

Central to the conflict in Kosovo was the issue of autonomy. Kosovo was forcibly made a semi-autonomous province within Serbia in 1946 after the end of World War II. Chafing under Serbian rule, periodic uprisings by ethnic Albanians led to increased autonomy in 1974 when the Yugoslav constitution gave Kosovo increased self-rule, though still under communist rule. This new freedom included allowing schools to teach in the Kosovar's native Albanian language, allowing the observance of Islamic holy days, and giving the province representation on the collective federal presidency.¹⁰

Those Serbs living in Kosovo, now distinctly a minority, feared the complete secession of Kosovo from Serbia and complained of mistreatment at the hands of Albanians. Milosevic came to power taking advantage of these fears and concerns, fanning the flames of Serbian nationalism. In 1989 Milosevic, as the President of Yugoslavia, led the effort to put an end to Kosovo's autonomy and sent in Serbian troops and police. The Albanian language was eliminated from the schools. Kosovo's parliament was abolished in 1990 and political leaders fled from the country. Over time, this persecution and repression of the Kosovar Albanians led to the emergence of the Kosovar Liberation Army (KLA) around 1996. Tensions escalated even further in 1998 as Serbian authorities increased the violence against Kosovar Albanians in an effort to quash the KLA and reinforce their control over Kosovo.¹¹

By this time, the United Nations and NATO were firmly entangled in the political and ethnic conflicts that had engulfed the Balkans. With tens of thousands of allied troops already performing peacekeeping duties in Bosnia and to a lesser extent in Macedonia, there was great concern regarding the continued strife in Kosovo where hundreds had been killed and 200,000 Kosovar Albanians had been driven from their homes. Efforts to find a peaceful solution led to international officials brokering talks at Rambouillet, France in February 1999 between Serbian authorities and Kosovar Albanians. With both sides heavily pressured to come to an agreement, ethnic Albanian leaders finally agreed to sign the accord which would have granted them limited self-rule, but denied them independence. On the other hand, Serbian authorities, even though threatened with NATO air strikes, flatly rejected provisions that required the presence of 28,000 NATO troops to guarantee the peace in Kosovo. They insisted that major revisions to the treaty be written that would have substantially diluted Kosovar autonomy.

The March 24th launch of NATO air attacks came only after eleventh-hour talks between U.S. envoy Richard Holbrooke and Yugoslav President Slobodan Milosevic failed to get Yugoslavia to sign an interim peace proposal. Justifying the initiation of the bombing campaign "to protect thousands of innocent people in Kosovo from a mounting military offensive," President Clinton cited the diplomatic efforts that had preceded the bombing campaign, stating "Over the last few months, we have done everything we possibly could to solve this problem peacefully."¹²

As NATO launched their attacks, and the intensity of Serbian ethnic cleansing quickly ratcheted upward, unabated by the bombing campaign, one had to wonder whether Albanians were really being 'protected' by NATO's decision to proceed militarily. Whether the allied bombing campaign goaded Serbian forces into the massive rampage that they engaged in, or simply provided Milosevic an excuse to accelerate what had already been initiated, is unknown at this point. What we do know is that a bad situation became considerably worse, resulting in over a million refugees with their homes and communities in ruins.

SOME SEMBLANCE OF LEGALITY

In launching air attacks against Serbia, NATO was intervening in the affairs of a sovereign nation that by most definitions was not posing a substantial threat to others. That sort of military activity is generally prohibited with few exceptions. But while the issue of territorial sovereignty is important, there were other issues involved. NATO leaders, defending their decision to intervene in Kosovo, were quick to point to human rights conventions, previous UN sanctioned interventions, and recent U.N. resolutions that all would provide some semblance of legality.

In defending their proposed actions, allied governments cited the considerable body of international law that has been focused on human rights in the aftermath of the atrocities of World War II. These include the 1945 Genocide Convention, the 1948 Universal Declaration of Human Rights, and the 1949 Geneva Convention. All were created in response to WWII atrocities, expressed international standards of conduct, and conceivably, violations of these international standards could be utilized as grounds for intervention." Beyond just writing conventions and standards of conduct, the United Nations has actually sanctioned interventions in the face of extreme humanitarian distress. Bosnia and Somalia are fairly recent examples of UN sanctioned humanitarian interventions. The fact that the United Nations has turned a blind eye to other humanitarian disasters such as Chechnya, Rwanda, and Kurdistan does not invalidate that fact that the United Nations is recognized internationally as the one agency with the authority to validate humanitarian interventions.¹³

Critics acknowledge that there have been examples of interventions for humanitarian reasons, but argue that these examples were pursued under the auspices of the United Nations. They rightly point out that the Kosovo intervention was done unilaterally, without the specific approval of the U.N. Security Council. NATO supporters would counter that on two occasions, in September and October 1998, the

U.N. Security Council passed resolutions demanding that Serbian aggression in Kosovo cease and referred to 'further action' if compliance was not forthcoming. The problem is that this 'further action' was never specified, and no formal action was ever taken by the UNSC to authorize the actual use of force.

UNITED NATIONS AND INTERNATIONAL RELATIONS

The problem for the United States and its NATO allies was that there really was no reasonably clear precedent for intervention without the express blessing of the United Nations Security Council. The United Nations represented the only internationally recognized arbiter of right and wrong with the moral weight to authorize the use of force against the Serbian military. Unfortunately, there was no consensus on the U.N. Security Council regarding the use of force. Without consensus from the five permanent members, action under the auspices of the U.N. Security Council was impossible.

Russia and China had signaled their unequivocal intention to veto any U.N. Security Council resolution that sought to authorize intervention in what they perceived to be a matter best left alone. Both countries were facing civil unrest within their borders (witness Chechnya and Tibet) and were leery of legitimizing any weakening of the concept of sovereignty and the protective checks and balances inherent in a U.N Security Council resolution. They were concerned that this might set a precedent - potentially, they could be subject to a similarly uninvited NATO intervention at some time in the future in matters that they perceived as solely internal affairs.

LOSING THE MORAL HIGH GROUND

The United States and its NATO allies found themselves in a quandary as Serbian forces proceeded with their assault against the civilian populace in Kosovo. They were unable to secure a mandate from the UN Security Council, but were already deeply involved in brokering a resolution to the conflict. For NATO to walk away from the Balkans in the face of continued defiance on the part of Milosevic would lead to a significant loss of credibility as a regional military power.

After extensive diplomatic efforts to diffuse the conflict failed, the United States and NATO felt compelled to act to halt the humanitarian abuses occurring in Kosovo. In choosing to bypass the U.N. Security Council and act unilaterally to bomb the former Yugoslavia, the United States and NATO lost the moral high ground, seeming to step outside the rule of law and the United Nations Charter. Additionally, in choosing to bypass the United Nations Security Council, the United States marginalized the one internationally recognized organization whose purpose is to maintain international peace.

Though it may have seemed a secondary concern at the time, angering Russia and China through bypassing the U.N. Security Council eventually came back to haunt them in spades. The accidental bombing of the Chinese Embassy in Belgrade suddenly put the United States and NATO on the diplomatic defensive with little moral authority to fall back upon.

MUTED VICTORY

When you are ignorant of the enemy but know yourself, your chances of winning or losing are equal.¹⁴

Sun Tzu

At best, the cheering at the end of the bombing campaign was muted. From whatever angle one wished to assess this confrontation, it was hard to find a winner. Politically, Washington and NATO scored very few points. They had clearly stepped onto thin ice in choosing to bomb a sovereign nation that posed no direct threat to their member nations. There was growing international concern as the bombing campaign wore on and targeting shifted from purely military targets such as military units to civilian infrastructure such as bridges and electrical power generators. They alienated two world powers, Russia and China, relationships that were not all that well to start with. But had they succeeded in their primary mission, to halt the ethnic cleansing that was occurring in Kosovo?

Unquestionably, the air war did halt/reverse the ethnic cleansing that was occurring in Kosovo. Unfortunately, that end did not occur until after an estimated ten thousand civilians had been killed and 1.4 million ethnic Albanians had been driven from their homes by Serbian forces.¹⁵ In choosing to rule out the use of ground forces and rely exclusively upon air power to prosecute this conflict, allied leaders gave the Serbian military all the room needed to expeditiously pursue plans for ethnic cleansing in Kosovo.

Decisions on how to prosecute this conflict were based upon a monumental miscalculation – that Milosevic's resolve would crumble with the first few bombs falling. Allied leaders felt that there was no way that the small Serbian military could hope to emerge victorious against the technologically advanced NATO force. Capitulation would have to come swiftly. What allied leaders did not understand was the depth of hatred that permeated this ancient Balkan conflict. What was of vital interest to the Serbian leadership, vital enough to risk everything, was not vital enough for allied leaders to risk ground forces and the casualties that would ensue. This miscalculation proved key in failing to achieve what should have been the allied forces' ultimate goal, providing timely relief from the humanitarian abuses that were occurring at the hands of the Serbian forces.

DISCUSSION

The collapse of the Soviet empire and with it the demise of the bipolar confrontation that had largely defined international relations for the previous four decades ushered in a new global strategic era. In the decade that followed, both the United States and NATO struggled to redefine their place in a world where the very foundation of their security policies, that of containment, had become irrelevant. Operation Allied Force in Kosovo provides us an opportunity to evaluate how well the United States and NATO have adapted to the post-Cold War global security environment.

For the United States, the sudden ascendancy to military and now economic primacy demanded changes in national security policies. Exactly what sorts of threats would be present to the United States'

national interests? What would our role in the world be, if any, in this new era of American primacy? How best can our national security policy further American interests?

Despite being the most powerful country in the world, there remain many significant threats to American national interests. Though the likelihood of global conflict, or the emergence in the near future of a peer competitor are not likely, there are other significant threats to include regional conflicts, asymmetric challenges such as rogue states with weapons of mass destruction (WMD), or even transnational dangers fueled by ethnic and religious disputes. All can pose significant potential dangers to the United States' interests.¹⁶ The question is not whether there are threats, but rather how the United States should respond to those threats. Should the United States respond to those threats by disengaging from our present position of global leadership and withdrawing to 'fortress America'? If we chose to remain engaged, one must decide which issues to address, as even primacy has limits.

Answers to some of these questions can be found in *A National Security Strategy for a New Century*. There, the United States rejects isolationism and advocates a policy of selective engagement stating, "Our strategy is tempered by recognition that there are limits to America's involvement in the world. We must be selective in the use of our capabilities and the choices we make always must be guided by advancing our objectives of a more secure, prosperous, and free America." Acknowledging that there are more demands than available assets, the security strategy prioritizes threats and circumstances that might trigger United States involvement. In addition to the traditional *vital* and *important* national interests, it also recognizes that U.S. actions might be triggered by a third category of national interest, *humanitarian and other interests*, affirming "In some circumstances our nation may act because our values demand it."¹⁷

It was for this third category of national interest that the United States became involved in Kosovo. For the United States, Kosovo's humanitarian crisis represented a moral challenge rather than any sort of vital or important national interest. There was little possibility of serious harm to our security and well-being if we choose not to become involved in what was described by Michael Mandelbaum as "a tiny former Ottoman possession of no strategic importance or economic value, with which the United States had no ties of history, geography, or sentiment..."¹⁸ Even President Clinton described the intervention in Kosovo as "...a moral imperative."¹⁹ Simply stated, we intervened because our moral values were affronted by the actions being taken by the Serbian forces.

What is not answered well in the United States' national security policy of selective engagement is the question 'What criteria are we utilizing to decide when to intervene?' That is, why did the United States chose to become involved in Kosovo and ignore similar abuses that have been occurring in other parts of the world such as Rwanda? Looking narrowly at U.S. interests, one can reason that our involvement in the Balkans rather than in Africa may be as much historical as anything else - the United States has always had a eurocentric foreign policy. Additionally, through the extensive diplomatic efforts that preceded the decision to intervene, the United States had put its reputation on the line, and to walk away would have entailed considerable loss of face.

Just as the United States has had to rethink its policies in the post-Cold War era, NATO also had to rethink its mission and policies. NATO was created out of the ashes of World War II as a collective security organization to counter the threat of Soviet hegemony. Now forty years later and in the face of Soviet disintegration, serious questions were being asked regarding NATO's purpose. What threats remained in Europe that would justify the continued existence of this trans-Atlantic alliance. Wouldn't it make sense to disband NATO as an organization that had succeeded admirably, but had outlived its usefulness? For NATO, the 1990's were a time of considerable discussion, deliberation and reassessment.

NATO's *raison d'être* was to serve as a collective security organization dedicated to the defense of its member states. Article 5 of the North Atlantic Treaty proclaims, "...an armed attack against one or more of them in Europe or North America shall be considered an attack against them all..."²⁰ While often discussed, there had been little agreement regarding the use of force by NATO in 'non-Article 5' situations, that is, as a regional security force in situations not involving transborder aggression against a member country. What role should NATO have in responding to humanitarian disasters, to failed states, or to indirect security threats? The situation in Kosovo made real what had previously been mainly theoretical. There was significant potential for regional instability with the tens of thousands of refugees fleeing into neighboring countries. If the alliance had elected to not become involved, it may well have sealed NATO's fate as an organization, marginalized as a collective security organization without a credible threat to validate its existence.

For the United States dominated NATO coalition force, the strategic goal was to swiftly stop the ethnic cleansing through the use of an allied coalition bombing campaign. This was felt to represent a low risk way of demonstrating to Milosevic their seriousness of intent. Unfortunately, a parallel reality was that stopping the humanitarian abuses occurring in Kosovo did not rise to the level of a vital interest for either the United States or the other member nations of NATO. Allied political leaders understood that it would be difficult to sustain public support for operation Allied Force if significant casualties occurred. Early on, allied leaders sought to calm public concerns with NATO Secretary General Solana downplaying the bombing campaign, stating, "NATO is not waging a war against Yugoslavia." U.S. Defense Secretary Cohen, when asked if the use of ground troops had been 'categorically' ruled out, affirmed that "What we have indicated to the Congress and to the country is that this is an air operation..." signaling to the American public, to allied coalition leaders, and to Serbians leaders that ground forces would not be used.²¹

By western standards, Milosevic was faced with an untenable situation. Serbian military forces could not hope to match the might of NATO and especially the American military. It was understood that politically, Milosevic could not capitulate to allied demands without a fight, even if only to save face with the Serbian electorate. There was an expectation on the part of allied political leaders that Milosevic would quickly surrender after the first allied bombs fell. As the days, then weeks of the allied bombing campaign wore on, it became clear that we had seriously misjudged the ability of air power alone to have

a significant impact on Serbian military operations. In addition, we had badly misjudged Serbian resolve. Were these miscalculations the result of arrogance of power? We certainly did not fully understand Serbian logic that twisted defeat into a virtue as personified in the ancient tales of Lazar Hrebeljanovic. Regardless of the reason, rather than rolling over as the first bombs fell, Milosevic was quick to exploit our strategic errors, rapidly pushing ahead with the ethnic cleansing operations in Kosovo and dooming allied efforts from the start.

The decision to bomb Kosovo placed the United States, NATO, and indeed, the entire international community, in a moral dilemma from which there will be no easy extraction. Assuming for the moment that we can make such distinctions, where do humanitarian rights begin and nation-state rights of sovereignty leave off? Who has the right to make such judgments? Several weeks prior to the bombing campaign in Kosovo, U.S. Secretary of State Madeleine Albright indicated that the concept of inviolate sovereignty was outdated, stating "Great nations who understand the importance of sovereignty at various times cede various portions of it in order to achieve some better good for their country. We are looking at how the nation-state functions in a totally different way than people did at the beginning of this century."²²

Other nations around the globe, notably Russia, China and India would disagree, viewing any weakening of the concept of sovereignty with great concern. They would advocate what is likely a majority opinion, that is, that the humanitarian intervention in Kosovo represented an aberration of international relations and not a precedent for revising sovereignty. If there are to be changes to the traditional concepts of sovereignty and the use of military force, they will only be possible under the umbrella of the one organization that approaches an international governmental body, the United Nations. Getting any sort international consensus on this will be extraordinarily difficult. But these issues must be resolved, one way or the other. Reinforcing the authority of the United Nations and mending fences with Russia and China need to be foreign policy priorities.

Possibly one of the most fundamental questions that needs to be answered is whether sovereignty is an obsolete concept. Has this concept that has stood the test of time for so long become outdated? At a time when the United Nations Security Council has proven itself to be at best poorly responsive to the humanitarian abuses occurring in Kosovo, should the concept of sovereignty be tossed into the historical trash heap? In the short amount of time that has transpired since the end of the Kosovo bombing campaign, the renewed violence in Kosovo, with both Albanians and Serbs serving as aggressors, has demonstrated that wading into the affairs of a sovereign nation should not be undertaken lightly. There is a certain twisted logic to Edward Luttwak's thesis that allowing wars to proceed to a natural conclusion can promote peace.²³ Peace does not automatically come about because the United States decides to step in between two combatants. This is doubly true in a civil war. For peace to ensue, they not only have to separate and stop fighting, they have to learn to live together. Unless NATO and the United States are willing to assume the obligations that come with assuming the mantle of international peacemaker, it is doubtful that success will be anything but transient.

Sovereignty and the limits that it places on a nation's conduct have been formulated for reasons that have been proven over time and must be respected. The fact that the United Nations has proven itself incapable of establishing a consensus on how to respond to intrastate humanitarian crises should not be construed as an invitation for regional alliances to rush in. But, right or wrong, the United States and NATO did choose to become involved in Kosovo. Only through extensive political and economic reconstruction will this region ever know peace. Allied governments now need to live up to the obligations their involvement brought upon themselves. There will be no easy solutions to ethnic conflicts that go back hundreds of years. Only when long-term peace in Kosovo is achieved will the United States and NATO be able to claim that they have achieved what Clausewitz termed "...the ultimate success of the whole."²⁴

WORD COUNT = 5,415

ENDNOTES

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² Tim Judah, "Kosovo's Road to War," Survival 41 (Summer 1999): 6-7.

³ Ibid.

⁴ Ibid, 7.

⁵ "Albania, Chap VII-C, History – Ottoman Conquest," Microsoft Encarta Encyclopedia 2000 [CD-ROM] (Redmond: Microsoft Corporation), item X04-67668.

⁶ Judah, 7-8.

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¹³ COL Alexander A.C. Gerry, AUS (Ret.), "In International Law: Legality of Military Intervention to Protect Human Rights and Prevent Genocide," The Officer (October 1999): 34. Also, Adam Roberts, "NATO's 'Humanitarian War' over Kosovo," Survival 41 (Autumn 1999) 105-106.

¹⁴ Sun Tzu, The Art of War, trans. Samuel B. Griffith (Oxford: Oxford University Press, 1963), 84.

¹⁵ Fareed Zakaria, "Keeping Kosovo," National Review 41 (Sep 27, 1999): 22.

¹⁶ John M. Shalikashvili, A National Military Strategy of the United States of America, Shape, Respond, Prepare Now: A Military Strategy for a New Era (Washington, D.C.: The U.S. Joint Chiefs of Staff, September 1997), 8-10.

¹⁷ Clinton, A National Security Strategy for a New Century, 2.

¹⁸ Michael Mandelbaum, "A Perfect Failure: NATO's War Against Yugoslavia," Foreign Affairs, (September/October 1999): 8.

¹⁹ "Excerpts of President Clinton's Address on NATO Attacks on Yugoslav Military Forces; 'By Acting Now, We Are ... Advancing the Cause of Peace,'" The Washington Post, 25 March 1999, p. A34. Database on-line. Available from Lexis-Nexis, accessed 7 Dec 1999.

²⁰ North Atlantic Treaty Organization.

²¹ Taken off the Internet 15 Nov 1999 from the web site
http://www.defenselink.mil/news/Mar1999/t03241999_t0324sd.html, found on page 7 of 13.

²² Charles Trueheart, "Washington Adds New Facet To Tough Global Issue; Albright's Proposal to Peacefully Transfer Sovereignty to Kosovo Upends Precedents," The Washington Post, 23 February 1999, p A13. Database on-line. Available from Lexis-Nexis, accessed 2 January 2000.

²³ Edward Luttwak, "Give War a Chance," Foreign Affairs, (July/August 1999): 36.

²⁴ Clausewitz, 177.

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